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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,747	01/23/2002	Patrick J. Naughton	6502.0036-12	3968

22852 7590 03/24/2005

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EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HL  
**Office Action Summary**

**Application No.**

10/052,747

**Applicant(s)**

NAUGHTON ET AL.

**Examiner**

Sy D Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/1/2003 and prior.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 11-54 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to the Pre-Amendment filed 1/13/2002.
2. Claims 1-54 are pending in this application. Claims 1, 11, 16, 18-20, 28, 36, 38, 40, 42, 45, 49 and 52 are independent claims. In the Pre-Amendment filed 1/13/02, claim 1 was canceled, and claims 45-54 were added.
3. Note, claims 2-10 depend on an independent claim that was canceled, and thus are not in a proper condition for examination.

### ***Election/Restriction***

4. Upon initial review of the claims it appears that claims 11-54 differ in subject matter and therefore require a different search. In accordance with this a restriction is deemed proper.
5. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Group I. Claims 11-15, drawn to a method for scrolling (e.g. spin dialing) menu items on a display for user selection, classified in Class 715, subclass 830.
  - Group II. Claims 16-17 and 42-44, drawn to an on-screen navigational control for traversing a 3D workspace, classified in Class 715, subclass 851.
  - Group III. Claim 18, drawn to a dynamic icon, classified in Class 715, subclass 977.
  - Group IV. Claim 19, drawn to a display screen, wherein there is tactile as well as visual interaction between a user and an operator interface, classified in Class 715, subclass 702.
  - Group V. Claims 20-35, drawn to a user interface, wherein a user has access to and control of a data processing system or component at a location removed from the user, classified in Class 715, subclass 740.

Group VI. Claims 36-41, drawn to a translucency/transparency interface element, wherein the relative transparency of an interface element may be modified, classified in Class 715, subclass 768.

Group VII. Claims 45-54, drawn to subject matter wherein a user's interaction with a computer system is used to control the presentation of display data, classified in Class 715, subclass 700.

6. The inventions are distinct, each from the other because of the following reasons:

Inventions Groups I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, while Invention I has separate utility such as providing a rotatable circular object list from which a user could choose objects, Invention II is directed to a navigatable spaces in which a user may traverse by selecting portals, Invention III involves with an animated multipurpose icon, Invention IV is directed towards a touch screen which senses a finger placed on the screen and determines a location of said finger thereon, Invention V is directed to a method for controlling a remote device, wherein a GUI being displayed and associated with a remote device, Invention VI is directed to a method of copying an object in a GUI, wherein a ghost image drawn in muted colors is being used, and Invention VII is drawn to a method of providing an interactive display, wherein communication reply timer and errors are being monitored. See MPEP § 806.05(d).

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent subject matter,

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and because the searches for the individual Groups are not coextensive, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

#### *Inquires*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Sy D. Luu', with a stylized flourish at the end.

**SY D. LUU**  
**PRIMARY EXAMINER**